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EXAMINER	
SYED, NABIL H	

ART UNIT	PAPER NUMBER
2612	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/539,896	PACE ET AL.	
	Examiner	Art Unit	
	/NABIL H. SYED/	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 April 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The following is a non-final office action in response to the RCE filed 4/23/10. Amendments received on 4/23/10 have been entered. Accordingly claims 1-24 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As of claims 1, 14, 20 and 22, the newly added limitation, limited time initial trial use “permitting use of the personal care appliance without payment or obligation of payment for the time of trial use” is not disclosed in the specification. Applicant did not point out and the Examiner was not able to find out the support for the newly added limitation.

Claims 2-13, 15-19, 21, 23-24 depend on the claims 1, 14, 20 and 22 respectively and inherent the same deficiency.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-3 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kramer el al., Parker, in view of Lundell (WO 01/93776) and further in view of Millner (US Pub 2004/0107168).

As of claims 1, 3 and 24, Kramer discloses a system for enabling limited time trial use products for additional pre-selected use (via a method of encouraging timely period payments that are associated with a computer system), comprising:
a power appliance (10), which has been adapted for limited time trial use (Kramer discloses that the computer system 100 is operable to prevent use of the computer system 100 in response to no-payment of no-timely payment of a fee, this would include a limited time initial trial use of computer system because if a user does not like the

system they do not have to pay the fee and discontinue the service; see col. 3, lines 4-20; also see fig. 1 and 2); and

an enabling device (12, 14), provided to the user following authorization, to enable the appliance for additional use (via user receiving the password after making the payment to enable the device for additional use; see col. 7, lines 42-56). Kramer further discloses that the power appliance can be a power personal care appliance (via a medical diagnostic equipment; see col. 3, line 18-19). Further when the user pay his fee, the appliance is enabled permanently, the user can keep paying the monthly fee and use the services for as long as they want, without expiration.

However Kramer fails to explicitly disclose that the appliance is a hand-held personal appliance and the appliance is enabled for permanent subsequent use without expiration and without further compensation following a one-time payment.

Parker discloses a power hand-held personal care appliance (via a handset 20; see fig. 2), wherein the handset 20 is given to the user for a limited amount of time (see col. 11, lines 50-54), and handset is permanently enabled for subsequent use after the full payment (see col. 11, lines 50-60). Parker further discloses that the user can rent the handset (see col. 5, lines 15-18), and it would have been obvious that renting period can be considered as a trial use, because instead of buying a user can just rent the handset for limited time, test the device and see if they like handset and then the user can buy the handset. Even though not explicitly said, but it would have been obvious that upon ending the rental period the user can make a full time payment at once and

keep the hand set, which would allow the user to keep the handset for permanent subsequent use without expiration and without further compensation.

From the teaching of Parker it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Kramer to include the step of enabling the device after a one time payment as taught by Parker in order to allow the service provider to end the rental period of the user after the service providers have subsidized the payment of the device.

Lundell discloses a system wherein a power hand-held personal care appliance (via toothbrush 14) has been pre-enabled for a limited time initial trial use (see col. 3, lines 28-33) and after the trial use the user can decide whether the user would like to purchase the toothbrush.

From the teaching of Lundell it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Kramer and Parker to include the step providing a power device fro a trial use in order to increase the sale of the product or service because if the business has a product or service, then the business may wish to increase knowledge that they have this product in stock in order to increase profit.

However the applied references fail to show that the trial use is without payment.

Millner discloses a system wherein a user is authorized to download music and use without payment for the duration of the free trial period. Millner further discloses that during the trail period if the user wish to purchase the product they can make a payment

and the musical work is rendered permanently useable for the user (see paragraph [0007]).

Hence the prior art includes each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference. In combination, Kramer, Lubndell perform the same function as it does separately of allowing a user to use a device for limited time initial trial use. Millner performs the same function as it does separately of allowing a user to use a service without payment during trial use.

Therefore one of ordinary skill in the art could have combined the elements as claimed by known methods, and that in combination, each element merely performs the same function as it does separately. Hence, the result of the combination would have been predictable.

As of claim 2, Kramer discloses the additional use is long-term use and includes all of the functions of a conventional product (Karma discloses that after entering the correct password user of the computer system 100 regains complete access to the computer system; see col. 8, lines 30-33).

6. Claims 1-3, 5-8, 10, 12, 13, 20 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green, Hilscher et al., Parker (6,124,799) and further in view of Lundell (WO 01/93776) and Millner (US Pub 2004/0107168).

As of claims 1, 3, 20 and 24, Green discloses a power appliance (via rental equipment 10) adapted for limited time initial trial use (via the electronic device being

used for rental; see col. 2, lines 28-35 Note: if after the expiration of the first rental period, the user can pay more to keep the device, so first rental period will be considered as limited time initial trial use), and enabling device (via a magnetic card 34) to enable the device (see fig.3; also see col. 3, lines 1-14) (Note: the rental equipment 10, is used for limited time initial trial when it is rented for the first time by any user and user can continue paying the payment for as long as they want to keep the rented equipment, so the device is enabled without expiration as long user is paying his/her fee).

However Green fails to disclose that the power appliance is a personal care appliance.

Hilscher discloses a power personal care appliance (an electronic toothbrush; see fig. 1) having a transponder communicating with a handle portion of the toothbrush via a non-contacting inductive coupling, wherein a control device 18 has an operation inhibiting device 36 which is activated and deactivated by means of an enabling element 38 on the brush attachment 20 (see fig. 1 and fig. 18; also see col. 15, lines 15-26).

From the teaching of Hilscher it would have been obvious to one having an ordinary skill in the art at the time the invention was made to modify the power appliance of Green to include an electric toothbrush as taught by Hilscher in order to provide a simple travel security function for the handle section preventing the handle section from operating when the cleaning tool with its acting member is not coupled (see col. 10, lines 9-15).

However the combination of Green and Hilscher fails to explicitly disclose that the appliance is a hand-held personal appliance and the appliance is enabled for permanent subsequent use without expiration and without further compensation following a one-time payment.

Parker discloses a power hand-held personal care appliance (via a handset 20; see fig. 2), wherein the handset 20 is given to the user for a limited amount of time (see col. 11, lines 50-54), and handset is permanently enabled for subsequent use after the full payment (see col. 11, lines 50-60). Parker further discloses that the user can rent the handset (see col. 5, lines 15-18), and it would have been obvious that renting period can be considered as a trial use, because instead of buying a user can just rent the handset for limited time, test the device and see if they like the device and then the user can buy the handset. Even though not explicitly said, but it would have been obvious that upon ending the rental period the user can make a full time payment at once and keep the hand set, which would allow the user to keep the handset for permanent subsequent use without expiration and without further compensation.

From the teaching of Parker it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Green and Hilscher to include the step of enabling the device after a one time payment as taught by Parker in order to allow the service provider to end the rental period of the user after the service providers have subsidized the payment of the device.

Lundell discloses a system wherein a power hand-held personal care appliance (via toothbrush 14) has been pre-enabled for a limited time initial trial use (see col. 3,

lines 28-33) and after the trial use the user can decide whether the user would like to purchase the toothbrush.

From the teaching of Lundell it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Kramer and Parker to include the step providing a power device fro a trial use in order to increase the sale of the product or service because if the business has a product or service, then the business may wish to increase knowledge that they have this product in stock in order to increase profit.

However the applied references fail to show that the trial use is without payment.

Millner discloses a system wherein a user is authorized to download music and use without payment for the duration of the free trial period. Millner further discloses that during the trail period if the user wish to purchase the product they can make a payment and the musical work is rendered permanently useable for the user (see paragraph [0007]).

Hence the prior art includes each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference. In combination, Parker, Lubndell perform the same function as it does separately of allowing a user to use a device for limited time initial trial use. Millner performs the same function as it does separately of allowing a user to use a service without payment during trial use.

Therefore one of ordinary skill in the art could have combined the elements as claimed by known methods, and that in combination, each element merely performs the same function as it does separately. Hence, the result of the combination would have been predictable.

As of claim 2, Green discloses that after the insertion of the magnetic card the lessee can use all the functions of the device (see col. 2, lines 59-67).

As of claim 5, Green discloses that he magnetic card is inserted in a slot 20 of the electronic device to enable the device (see fig. 2; also see col. 2, lines 47-52).

As of claim 6, Green discloses that the power appliance has a slot 20 (see fig. 2) and the enabling device has a magnetic strip to communicate with each other (see col. 2, lines 47-60).

As of claim 7, the magnetic card 34 nestles into slot 20 of the power appliance (see col. 2, lines 60-63).

As of claim 8, Hilscher discloses that a toothbrush has a tag integrated to it and the information from the tag is received optically (see col. 2, lines, 65-67).

As of claim 10, Green discloses that the communication is magnetic (see col. 3, lines 1-5).

As of claim 12, Green discloses that a separate magnetic card (enabling device) is used for each rented appliance (see col. 3, liens 7-8).

As of claim 13, Green discloses that the magnetic card is capable of enabling the device only once, because the encode information of the card is erased each time the card is use for security purposes (see col. 3, lines 8-14).

7. Claims 22 and 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Green, Parker, Wada and further in view of Lundell (WO 01/93776) in view of Millner (US Pub 2004/0107168).

As of claim 22, Green discloses a power appliance (via rental equipment 10) adapted for limited time trial use (via the electronic device being used for rental; see col. 2, lines 28-35), wherein the switches 26 and 28 have a particular pattern (via increasing the current time if the switch 26 is closed), the switches are operable by the user using a magnetic card (see col. 5, lines 23-39). (Note: the rental equipment 10, is used for limited time initial trial when it is rented for the first time by any user and user can continue paying the payment for as long as they want to keep the rented equipment, so the rental period is without expiration as long user is paying his/her fee).
However Green fails to disclose that the power appliance is a personal care appliance.

However Green fails to explicitly disclose that the appliance is enabled for permanent subsequent use without expiration and without further compensation following a one-time payment.

Parker discloses a power hand-held personal care appliance (via a handset 20; see fig. 2), wherein the handset 20 is given to the user for a limited amount of time (see col. 11, lines 50-54), and handset is permanently enabled for subsequent use after the full payment (see col. 11, lines 50-60). Parker further discloses that the user can rent the handset (see col. 5, lines 15-18), and it would have been obvious that renting period can be considered as a trial use, because instead of buying a user can just rent the handset for limited time, test the device and see if they like the device and then the user

can buy the handset. Even though not explicitly said, but it would have been obvious that upon ending the rental period the user can make a full time payment at once and keep the hand set, which would allow the user to keep the handset for permanent subsequent use without expiration and without further compensation.

From the teaching of Parker it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Green and Hilscher to include the step of enabling the device after a one time payment as taught by Parker in order to allow the service provider to end the rental period of the user after the service providers have subsidized the payment of the device.

However the combination of Green and Parker fail to disclose that the power appliance is enabled after recognizing a preselected pattern of operation of the on/off switch.

Wada disclsoes a personal power appliance (via a personal computer), wherein to in order to provide power to the device (enable) the password (preselected pattern) is entered via using the power switch (on/ff switch) (see fig. 2; also see col. 1, lines 6-16; and col. 1, lines 60-67).

From the teaching of Wada it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combianton of Green, Hilscher and Parker to include the step of entering the enabling code via the power switch as taught by Wada in order to simplify the entry operation of the password, so there is no need to provide an extra keypad and further this process will allow an extra

feature which can be used by the user to enter the code which enables the personal device.

Lundell discloses a system wherein a power hand-held personal care appliance (via toothbrush 14) has been pre-enabled for a limited time initial trial use (see col. 3, lines 28-33) and after the trial use the user can decide whether the user would like to purchase the toothbrush.

From the teaching of Lundell it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Kramer and Parker to include the step providing a power device fro a trial use in order to increase the sale of the product or service because if the business has a product or service, then the business may wish to increase knowledge that they have this product in stock in order to increase profit.

However the applied references fail to show that the trial use is without payment.

Millner discloses a system wherein a user is authorized to download music and use without payment for the duration of the free trial period. Millner further discloses that during the trail period if the user wish to purchase the product they can make a payment and the musical work is rendered permanently useable for the user (see paragraph [0007]).

Hence the prior art includes each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference. In combination, Parker, Lubndell perform the same function as it does

separately of allowing a user to use a device for limited time initial trial use. Millner performs the same function as it does separately of allowing a user to use a service without payment during trial use.

Therefore one of ordinary skill in the art could have combined the elements as claimed by known methods, and that in combination, each element merely performs the same function as it does separately. Hence, the result of the combination would have been predictable.

8. Claims 4, 9, 11, 14, 15, 16, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green, Valiulis, Parker and further in view of Lundell (WO 01/93776) in view of Millner (US Pub 2004/0107168).

As of claim 14, Green discloses a power appliance (via rental equipment 10) adapted for limited time trial use (via the electronic device being used for rental; see col. 2, lines 28-35), a communication element (slot 20) an external source (magnetic card) to enable the device. (Note: the rental equipment 10, is used for limited time initial trial when it is rented for the first time by any user and user can continue paying the payment for as long as they want to keep the rented equipment, so the rental period is without expiration as long user is paying his/her fee).

However Green fails to disclose that device communicate with the external source over a communication line.

Valiulis discloses electronic device with a communication element (via RFID module 83; see fig. 8), which enables and disables the device upon the signal from the user, wherein the device receives an enabling message from an external source (via

other appliances) over a communication line (via a communication bus 77; see fig. 7; also see col. 15, lines 10-19).

From the teaching of Valiulis it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the power appliance of Green to include a communication line as taught by Valiulis in order to allow the device to communicate with the external devices (see col. 15, lines 9-19).

However the combination of Green and Valiulis fails to explicitly disclose that the appliance is a hand-held personal appliance and the appliance is enabled for permanent subsequent use without expiration and without further compensation following a one-time payment.

Parker discloses a power hand-held personal care appliance (via a handset 20; see fig. 2), wherein the handset 20 is given to the user for a limited amount of time (see col. 11, lines 50-54), and handset is permanently enabled for subsequent use after the full payment (see col. 11, lines 50-60). Parker further discloses that the user can rent the handset (see col. 5, lines 15-18), and it would have been obvious that renting period can be considered as a trial use, because instead of buying a user can just rent the handset for limited time, test the device and see if they like the device and then the user can buy the handset.

From the teaching of Parker it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Green and Valiulis to include the step of enabling the device after a one time payment as

taught by Parker in order to allow the service provider to end the rental period of the user after the service providers have subsidized the payment of the device.

Lundell discloses a system wherein a power hand-held personal care appliance (via toothbrush 14) has been pre-enabled for a limited time initial trial use (see col. 3, lines 28-33) and after the trial use the user can decide whether the user would like to purchase the toothbrush.

From the teaching of Lundell it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Kramer and Parker to include the step providing a power device fro a trial use in order to increase the sale of the product or service because if the business has a product or service, then the business may wish to increase knowledge that they have this product in stock in order to increase profit.

However the applied references fail to show that the trial use is without payment.

Millner discloses a system wherein a user is authorized to download music and use without payment for the duration of the free trial period. Millner further discloses that during the trail period if the user wish to purchase the product they can make a payment and the musical work is rendered permanently useable for the user (see paragraph [0007]).

Hence the prior art includes each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference. In combination, Parker, Lubndell perform the same function as it does

separately of allowing a user to use a device for limited time initial trial use. Millner performs the same function as it does separately of allowing a user to use a service without payment during trial use.

Therefore one of ordinary skill in the art could have combined the elements as claimed by known methods, and that in combination, each element merely performs the same function as it does separately. Hence, the result of the combination would have been predictable.

As of claim 2, Kramer discloses the additional use is long-term use and includes all of the functions of a conventional product (Karma discloses that after entering the correct password user of the computer system 100 regains complete access to the computer system; see col. 8, lines 30-33).

As of claim 4, Valiulis discloses that the enabling device is permanently integrated within the electronic appliance (see col. 14, lines 60-67)

As of claim 9, Valiulis discloses that the communication is radio frequency (see col. 10, lines 35-40).

As of claim 11, even though not explicitly said but it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Green and Valiulis to include infrared communication since it is well know in the art that that infrared communication is used where line of sight communication is required so a user does not activate devices in the other rooms of a house.

As of claim 15, it discloses the same subject mater as claimed in claim 2, so claim 15 is rejected as claim 2.

As of claim 16, Valiulis discloses that the communication line is telephone line (via user communicating with the registration authority over a telephone line; see col. 14, lines 42-43).

As of claim 18, Valiulis discloses that the communication line is an Internet line (via user communicating with the registration authority over a modem 57; see col. 14, lines 42-43).

As of claim 19, the combination of Green and Valiulis discloses all the elements of the claimed invention but fails to explicitly disclose that the communication element is located in a charger portion of a power appliance. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the power device of to include the communication element in the charger portion since it has been held that rearranging parts of an invention involves only routine skill in the art.

9. Claims 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green (4,624,578) and view of Hilscher et al. (7,207,080).

As of claims 17, 21, they claim the same subject matter as claimed in claim 3 above, so they are rejected as claim 3.

Response to Arguments

10. Applicant's arguments with respect to all the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to /NABIL H. SYED/ whose telephone number is (571)270-3028. The examiner can normally be reached on M-F 7:30-5:00 alt Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on (571)272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NABIL H SYED/
Examiner
Art Unit 2612

N.S

/Brian A Zimmerman/
Supervisory Patent Examiner, Art Unit 2612